

WILLIAM G. BEANLAND

IBLA 75-256

Decided June 25, 1975

Appeal from decision of Eastern States Office, Bureau of Land Management, denying assignment of oil and gas lease BLMA 043093.

Affirmed.

1. Oil and Gas Leases: Assignments or Transfers

Section 27 of the Mineral Leasing Act of February 25, 1920, 30 U.S.C. § 187 (1970), requires that any assignment of all or any part of a lease be approved by the Department before an assignee becomes record holder of any interest therein.

2. Oil and Gas Leases: Assignments or Transfers

The Department does not give formal approval of assignments of royalty interests, but such an assignment is deemed valid if the requirements of 43 CFR 3106.4 are met.

APPEARANCES: William G. Beanland, Esq., pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

William G. Beanland appeals from a November 13, 1974, decision of the Eastern States Office, Bureau of Land Management, denying assignment of acquired lands oil and gas lease BLMA 043093.

The lease was first issued to Bernice H. Hurst, effective December 1, 1958. Through mesne assignments, Carson A. Cardneaux and R. R. Wickham became the present owners of the record title in

the lease. The assignment to them was approved effective August 1, 1974. On October 21, 1974, Kate Brunini, sole heir and devisee of A. J. Brunini, filed an assignment to William Beanland of record title interest in the lease. The Chief of the Division of Lands and Minerals, Eastern States Office, denied the assignment "because we have no record of A. J. Brunini ever receiving title to the embraced lands."

[1] The only record instrument bearing Brunini's name is an assignment of overriding royalty interest in the lease from W. M. Vaughey to M. D. Meyers and A. J. Brunini. Assignment of a royalty interest is not equivalent to assignment of the lease. Cf. Harry L. Bigbee, 2 IBLA 23 (1971). If there was an assignment of the lands embraced in the lease to A. J. Brunini, it must be filed in the Eastern States Office for approval. Section 30 of the Mineral Leasing Act of February 25, 1920, 30 U.S.C. § 187 (1970), requires that an assignment of all or any part of a lease be approved by the Department before an assignee becomes record holder of any interest therein. Amoco Production Company, 16 IBLA 215, 220 (1974); Solicitor's Opinion, 64 I.D. 44, 46 (1957).

[2] The Department does not give formal approval of assignments of royalty interests; the assignments are deemed to be valid if the requirements of 43 CFR 3106.4 are met:

Royalty interests.

Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act. In order that the holdings of the assignee may be verified, all assignments of royalty interests should be filed for record purposes within 90 days from the date of execution, but no formal approval will be given. Any such assignment will be deemed to be valid provided it is accompanied by a statement over the assignee's signature that he is a citizen of the United States and that his interests in oil and gas leases do not exceed the acreage limitation as provided in § 3101.1-5 and by the statement as to overriding royalties required by § 3106.2-4(a). If any portion of this statement is found to be false the assignment shall be invalid.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss  
Administrative Judge

I concur:

Anne Poindexter Lewis  
Administrative Judge

I concur in the result:

Frederick Fishman  
Administrative Judge

